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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 27 2006

FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS GULF
COAST, L.L.C., *et. al.*

Complainants,

v.

GULF POWER COMPANY,

Respondent.

Federal Communications Commission
Office of Secretary

DOCKET FILE COPY ORIGINAL

E.B. Docket No. 04-381

To: Office of the Secretary

Attn: The Honorable Richard L. Sippel
Chief Administrative Law Judge

COMPLAINANTS' IDENTIFICATION OF UTILITY POLES

The Florida Cable Telecommunications Association, Inc., Cox Communications Gulf Coast, L.L.C., Comcast Cablevision of Panama City, Inc., Mediacom Southeast, L.L.C., and Bright House Networks, LLC ("Complainants"), pursuant to this Court's Order, FCC 05M-60 (Dec. 14, 2005) ("*Scheduling Order*"), respectfully submit the following identification of fifty (50) utility poles. In accordance with the *Scheduling Order*, the attached Exhibit A contains a color photograph of each pole, together with the information that Complainants have about the pole's location and, if available, its pole number. The *Scheduling Order* requires that, on or before February 10, 2006, Gulf Power provide Complainants with additional information about both these poles identified by Complainants and the poles identified by Gulf Power on January 20, 2006.¹

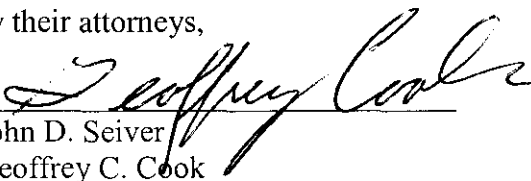
¹ The information that Gulf Power is required to provide includes: "Gulf Power pole numbers; all documentation associated with the Osmose report that is applicable to such poles; identification of all entities attached to each pole; location above ground level of all attachments on each pole; height, material and date of installation in the ground of each pole; copies of all make-ready (including 'change-out') documents involving each pole; copies of any

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Complainants will use these poles at the hearing in this case to demonstrate why Gulf Power fails to satisfy the requirements for a constitutional takings claim set forth by the United States Court of Appeals for the Eleventh Circuit in *Alabama Power Co. v. FCC*, 311, F.3d 13357, 1370-71 (11th Cir. 2002). In particular, with respect to the first prong of the *Alabama Power* test, Complainants intend to show, using these poles by way of illustration, that Gulf Power cannot demonstrate that a pole at a given location is “at full capacity” either when space is immediately available on the pole for another attachment or when, in accordance with Gulf Power’s and the utility industry’s “make-ready” practices, space may be made-ready for another attachment by the re-arrangement of existing attachments or the common substitution of a incrementally taller pole at a new attacher’s expense (a “change-out”).

Respectfully submitted,

By their attorneys,



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**FLORIDA CABLE TELECOMMUNICATIONS
ASSOCIATION, COX COMMUNICATIONS GULF
COAST, L.L.C., COMCAST CABLEVISION OF
PANAMA CITY, INC., MEDIACOM SOUTHEAST,
L.L.C., and BRIGHT HOUSE NETWORKS, L.L.C.**

January 27, 2006

accounting and/or cost records relating to such poles; and all records and/or statements upon which Gulf Power relies to support its claim of a lost opportunity as to such poles.” See *Scheduling Order*, 2; Addendum Order (Dec. 16, 2005).

EXHIBIT A

Index

I. Brighthouse

1. 859 North 1st St., DeFuniak Springs, FL
2. 834 North 1st St., DeFuniak Springs, FL
3. 711 German Club Road, DeFuniak Springs, FL
4. 57 Thomas Ave., DeFuniak Springs, FL
5. Park Street at Thomas Ave., DeFuniak Springs, FL
6. Davis Lane at Rosa Nell Lane, DeFuniak Springs, FL
7. 55 Plateau Ave., DeFuniak Springs, FL
8. Plateau Ave. at Crescent Drive, DeFuniak Springs, FL
9. 856 Orange Street., DeFuniak Springs, FL
10. 836 Orange Street, DeFuniak Springs, FL

II. Mediacom

11. 6049 Ashton Woods Dr., Milton, FL
12. 6056 Kingswood Dr, Milton, FL
13. 5845 Ashton Woods Circle, Milton, FL
14. 6131 Hamilton Bridge Rd, Milton, FL
15. 5844 Berry Hill Rd, Milton, FL
16. 5575 Meadowlark Ln, Milton, FL
17. 2275 E Harborview Rd, Milton, FL
18. 5679 Lia Dr, Milton, FL
19. 1902 Stewart Street, Milton, FL
20. 6543 Oakcrest Rd, Milton, FL

III. Comcast

21. Ten Acre Rd. and Naples Ave., Panama City, FL
22. 3016 Orlando Rd., Panama City, FL
23. 3419 E. Baldwin Rd., Panama City, FL
24. 1034 Pierson Dr., Panama City, FL
25. Hwy 390 and Hilltop Ln., Panama City, FL
26. Airport Road, Panama City, FL
27. New Car Wash SR 390 (South of Jenks Ave.), Panama City, FL
28. 4734 Baywood Drive, Panama City, FL
29. 12th Street at Kentucky Ave., Panama City, FL
30. 15th Street at Center Ave., Panama City, FL

EXHIBIT A

IV. Cox

31. One Pole East of Old Cory Field on Wisteria, Pensacola, FL
32. Old Cory Field and Wisteria, Pensacola, FL
33. 1411 Wisteria, Pensacola, FL
34. Gulf Beach Highway at Harris Avenue, Pensacola, FL
35. Gulf Beach Highway West of Harris Ave., Pensacola, FL
36. Harris N. of Gulf Beach Highway, Pensacola, FL
37. Gulf Beach Highway at Runyan Street, Pensacola, FL
38. Gulf Beach Highway across from Augusta Avenue, Pensacola, FL
39. 3304 Gulf Beach Highway, Pensacola, FL
40. Next pole west, 3304 Gulf Beach Highway, Pensacola, FL
41. Gulf Beach Highway at Paz Place, Pensacola, FL
42. Chem Strand Road, Pole across RR tracks, Pensacola, FL
43. Old Cory Field on Barancas Avenue, Pensacola, FL
44. Pensacola Blvd. North of W Street and South of I-10, Pensacola, FL
45. E. Jordan and 15th Avenue, Pensacola, FL
46. E. Jordan between 16th and 17th Avenues, Pensacola, FL
47. E. Escambia Ave. between E. Scott and E. Yonge Streets, Pensacola, FL
48. Crescent Drive near intersection with Miller Street, Pensacola, FL
49. E. Jordan between 16th and 17th Avenues, Pensacola, FL
50. W. Bobe Street near intersection with N. Spring Street, Pensacola, FL

BRIGHTHOUSE

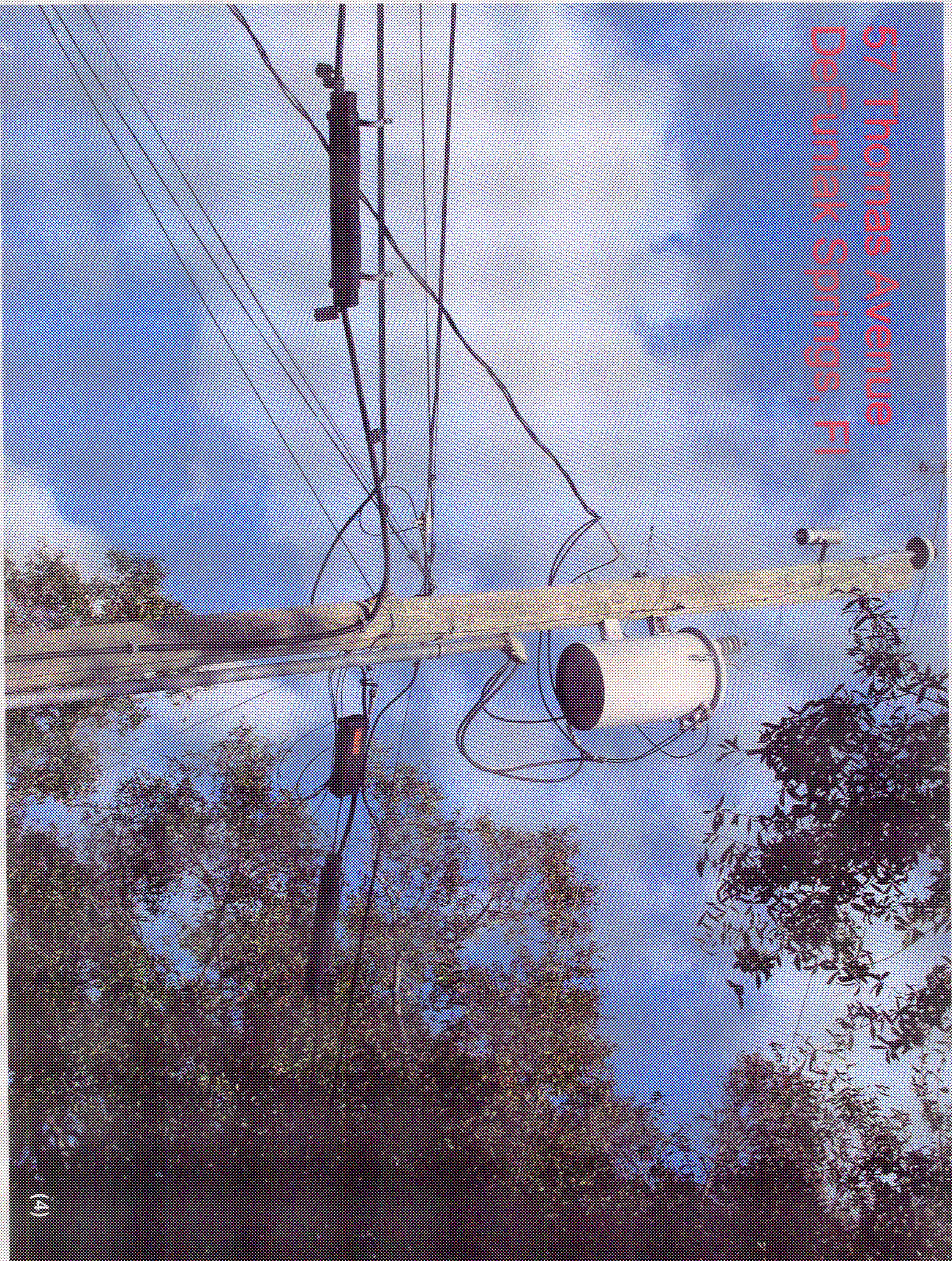
859 North 1st Street
DeFuniak Springs, FL

834 North 1st Street
DeFuniak Springs, FL

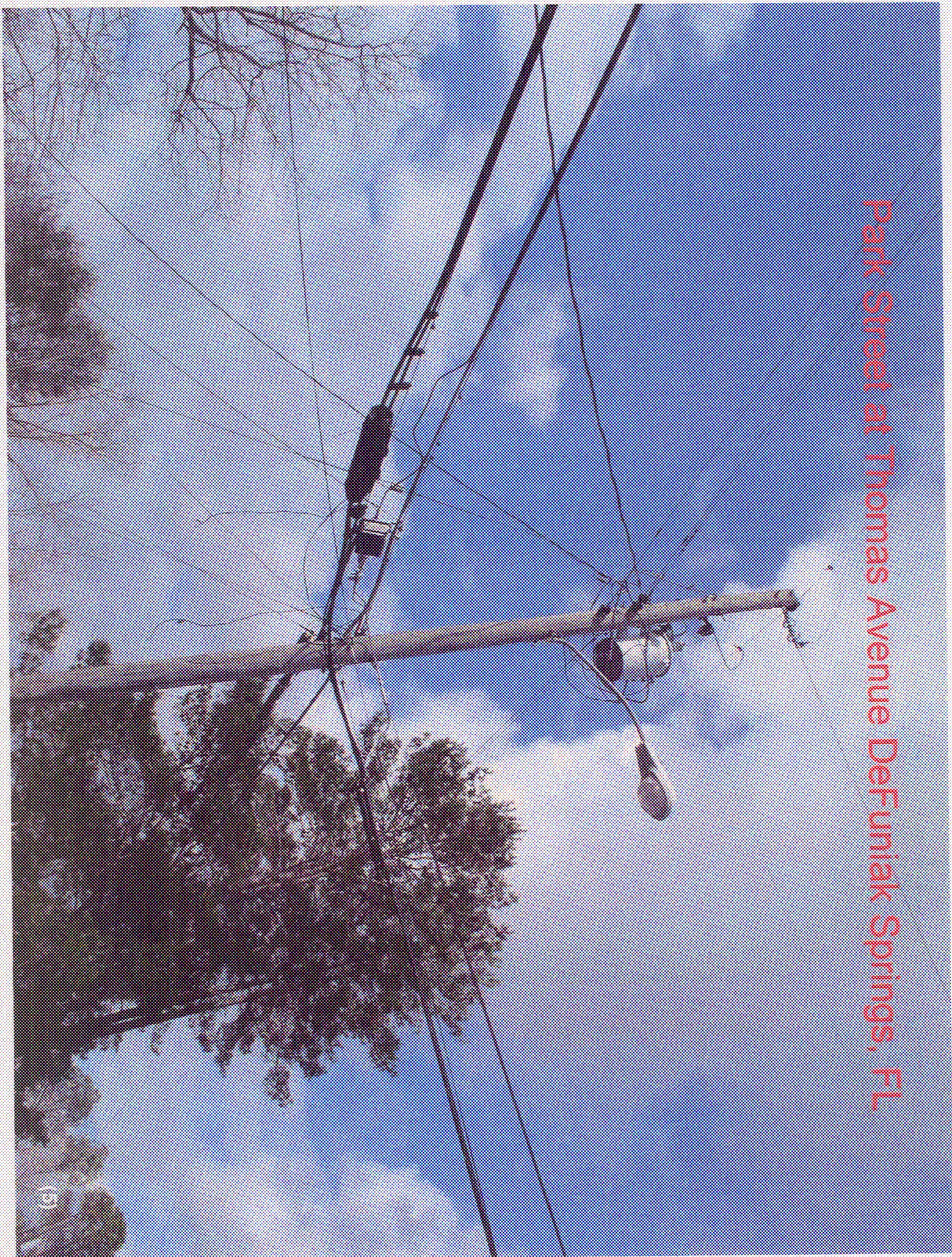
711 German Club Road
DeFuniak Springs, FL



57 Thomas Avenue
Defuniak Springs, FL



Park Street at Thomas Avenue Defuniak Springs, FL



Davis Lane at Rosa Nell Lane, Defuniak Springs, FL



55 Plateau Avenue Defuniak Springs, Fl

Plateau Avenue at Crescent Drive DeFuniak Springs, FL